

# **EXHIBIT C**

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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 Wave Neuroscience, Inc., a Delaware  
12 corporation,  
13 Plaintiff/Counterclaim Defendant,  
14 v.  
15 Peaklogic, Inc., a Delaware corporation;  
16 and Kevin T. Murphy, M.D., a  
17 Professional Corporation, doing business  
18 as Mindset,  
Defendants/Counterclaim Plaintiffs.

Case No.: 21cv1330-CAB-AGS

**CLAIM CONSTRUCTION ORDER**

19  
20 On November 10, 2022, the Court held a claim construction hearing in this matter.  
21 The terms and phrases to be construed were submitted and briefed by the parties in  
22 accordance with this District's local rules and the case management order in this case.  
23 [Doc. Nos. 47, 51, 52, 53, 61 and 62.] Having reviewed the submissions and heard the  
24 arguments of the parties, and for the reasons set forth on the record the Court enters the  
25 following constructions of the submitted terms and phrases.

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The Court adopts the parties' agreed constructions as follows:

Processor moves (a) an intrinsic frequency of the brain of the subject within the specified (EEG) band to a pre-selected intrinsic frequency	Shifts or alters an intrinsic frequency to be substantially the same as the pre-selected intrinsic frequency
Moves/moving [Q-factor/EEG phase] toward the preselected [Q-factor/EEG phase]	Shifting or altering the [Q-factor/EEG Phase] to be closer to the pre-selected [Q-factor/EEG phase]
Move the [Q-factor/intrinsic frequency] toward the preselected [Q-factor/intrinsic frequency]	Shifting or altering the [Q-factor/intrinsic frequency] to be closer to the pre-selected [Q-factor/intrinsic frequency]

The Court construes the remaining disputed terms as follows:

Pre-selected intrinsic frequency	A targeted intrinsic frequency chosen before treatment
Pre-selected Q-Factor of the intrinsic frequency	A targeted Q-Factor chosen before treatment
Pre-selected EEG phase of the specified EEG frequency	A targeted EEG phase chosen before treatment
Improves	To make or become better [the medical conditions in the claim]
Adjusting output of the magnetic field based on the subject's intrinsic frequency	No construction needed
Pre-selected frequency	A targeted frequency chosen before treatment

**IT IS SO ORDERED.**

Dated: November 10, 2022



Hon. Cathy Ann Bencivengo  
United States District Judge

**Cruz, Catherine M.**

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U.S. District Court

Southern District of California

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**[CLAIM CONSTRUCTION ORDER. Signed by Judge Cathy Ann Bencivengo on 11/10/2022.\(anh\)](#)**

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